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**MEMO ENDORSED**

September 3, 2020

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 09/03/2020

VIA ECF

The Honorable Valerie Caproni  
United States District Judge  
United States District Court, Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

Re: *Great Divide Insurance Co. v. Polcom USA, LLC.*,  
No. 19-cv-11434-VEC

Dear Judge Caproni:

My firm represents Great Divide Insurance Company ("Plaintiff") in the above-referenced action. On behalf of all counsel, and pursuant to Rule 2.C of Your Honor's Individual Practices in Civil Cases, we submit this joint letter to respectfully request a further brief adjournment of (a) the parties' submissions due on September 3, 2020 (*i.e.*, the Answer of Defendant Polcom USA, LLC ("Defendant") and the parties' Proposed Case Management Plan); and (b) the IPTC scheduled for September 11, 2020.

The basis for this further adjournment request is that the parties have reached an agreement in principle that would result in the dismissal of this lawsuit without prejudice. Last week the parties exchanged draft papers memorializing their agreement in principle, along with a proposed Rule 41(a) stipulation of discontinuance without prejudice. The current form of the papers are acceptable to Plaintiff. Defendant's counsel has represented that he still needs to obtain client approval, which he anticipates is likely within a matter of days. As soon as the parties are able to finalize these papers, we will promptly file the final, executed Rule 41(a) stipulation with the Court.

The parties are optimistic that they can finalize and file discontinuance papers over the course of the next two weeks. Meanwhile, in the unlikely event that the parties are unable to

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Honorable Valerie Caproni, United States District Judge  
September 3, 2020  
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memorialize their agreement in principle, we respectfully request that the Court adjourn the IPTC until October 2020 – counsel are available October 9, October 23, and October 30 – with the Answer and proposed Case Management Plan due one week in advance of the adjourned IPTC.

Respectfully submitted,

/s David T. McTaggart

DTM: hs

cc: Andrew M. Burns, Esq.  
(via ECF)

Application GRANTED. The IPTC scheduled for September 11, 2020, and Defendant's time to respond to the Complaint are adjourned. If the parties have not filed a motion pursuant to Rule 41(a) by September 25, 2020, the Court will schedule an IPTC for October 9, 2020, and Defendant's response to the Complaint and the parties' joint letter and proposed Case Management Plan shall be due October 1, 2020.

SO ORDERED.



09/03/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE